

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOANNA TULCZYNSKA,

Plaintiff,

-against-

QUEENS HOSPITAL CENTER, MOUNT SINAI
HEALTH SYSTEM, INC., PRUDENTIAL INSURANCE
COMPANY OF AMERICA, ROSELYN MARQUEZ,
RICARDO LOPEZ, JEAN FLEISCHMAN, HABIBUR
RAHMAN

Defendants.

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**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendants Queens Hospital Center, Mount Sinai Health System, Inc., Ricardo Lopez, Jean Fleischman, and Habibur Rahman (collectively, “H+H Defendants”),¹ by their attorney, Zachary W. Carter, Corporation Counsel of the City of New York, respectfully move this Court as follows:

1. On February 14, 2015, the H+H Defendants were served with a Summons and Complaint in *Dr. Joanna Tulczynska v. Queens Hospital Center, et al.*, pending in the Supreme Court of the State of New York, County of New York, Index No. 151214/2017, naming the H+H Defendants as defendants therein. A copy of the Summons and Complaint, dated February 7, 2017, is annexed hereto as Exhibit A.

¹ Plaintiff also named Roselyn Marquez and Prudential Insurance Company of America (“Prudential”) as defendants. The undersigned counsel does not represent Ms. Marquez or Prudential. Upon information and belief, Plaintiff has not perfected service against Ms. Marquez or Prudential and, as of this date, no notice of representation has been entered by counsel for either.

2. The above-captioned matter is a civil action of which the District Court has original jurisdiction pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12101.

3. Plaintiff brings this lawsuit claiming, *inter alia*, that the H+H Defendants' acts constituted discrimination in violation of the above referenced statute. See Exhibit A.

4. This action is therefore removable to the District Court without regard to the citizenship or residence of the parties, pursuant to 28 U.S.C. § 1441(b).

5. This Notice of Removal is timely because it is being filed within 30 days of receipt of the Summons and Complaint. *See* 28 U.S.C. § 1446(b).

6. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the state court in which the action is pending.

WHEREFORE the H+H Defendants respectfully request that the above-captioned action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York
March 6, 2017

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By: /s/
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